

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STANLEY POE EL,

Plaintiff,

vs.

DEBORAH WILLIAMS POE, Power of
Attorney, Individual and Official
capacity;

Defendant.

8:19CV351

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff Stanley Poe El's Motion for Leave to Proceed In Forma Pauperis ("IFP"). ([Filing No. 2.](#)) While Plaintiff utilized the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit"), Plaintiff's motion does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. *See* [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). For gross pay and take-home pay, Plaintiff refers to [31 U.S.C. § 3123](#)¹ and lists "0 [zero] Debt Note." ([Filing No. 2 at CM/ECF p. 1.](#)) Plaintiff also lists "0 [zero] Debt Notes" for the amount of money he has in a checking or savings account and fails to specify the sources of and amounts of income he receives from "Business, profession, or other self-employment" and Disability, or worker's compensation payments." (*Id.* at [CM/ECF pp. 1–2.](#))

Accordingly, the court determines that Plaintiff's present motion to proceed IFP is insufficient and is, therefore, denied. Plaintiff has the choice of either

¹ Section 3123 sets forth the Secretary of Treasury's duty to pay the public debt of the United States Government and, thus, has no bearing on the statement of Plaintiff's assets. [31 U.S.C. § 3123](#).

submitting the \$400.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#). Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP ([filing no. 2](#)) is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

2. Plaintiff is directed to submit the \$400.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **September 23, 2019**: Check for MIFP or payment.

Dated this 23rd day of August, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge